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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,520	05/11/2005	John Anthony Bosley	J3696(C)	5086

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UNILEVER INTELLECTUAL PROPERTY GROUP
700 SYLVAN AVENUE,
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EXAMINER

LILLING, HERBERT J

ART UNIT	PAPER NUMBER
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1657

MAIL DATE	DELIVERY MODE
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08/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10534520	5/11/05	BOSLEY ET AL.	J3696(C)

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EXAMINER

HERBERT J. LILLING

ART UNIT	PAPER
1657	20070731

DATE MAILED:

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Commissioner for Patents

The reply filed on July 10, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has properly elected one of the Groups which was Group I, claims 1-7, drawn to a method of producing a retinyl ester compound comprising subjecting a composition comprising retinol or a retinyl ester and a fat or oil of animal or vegetable origins to enzyme catalyzed transesterification in solvent free conditions to produce a retinyl ester, classify in Class 435, subclass 67.

However, it is noted that Applicant has failed to elect the species requirements as noted below :

"6. This application contains claims directed to the following patentably distinct species:

A. Whereby a method of producing a retinyl ester compound comprising subjecting a composition comprising:

1. retinol;
- or

2. retinyl ester.

B. Whereby a method of producing a retinyl ester compound comprising subjecting a composition comprising:

- x. fat or oil origin;
- or

y. vegetable origin.

C. Wherein the source of the fatty acid is

- a. kombo nut oil,
- b. coriander oil,
- c. sunflower oil,
- d. safflower oil,
- e. pomegranate seed oil,
- f. Manketti nut oil,
- g. fish oil, ----(This does not appear to be within the scope of claim 1)
- h. borage oil,
- i. pine nut oil,
- j. Impatiens balsamina seed oil,
- k. calendula seed oil.

l. other-including mixtures of above-please specify.

D. Whereby the method of providing at least one skin care benefit by applying a mixture of retinyl esters selected from the group consisting of :

1. treating/preventing wrinkling,
2. sagging, aged and/or photodamaged skin;

3. boasting collagen deposition on skin,
4. boosting decorin production in skin;
5. soothing irritated, red and/or sensitive skin;
6. improving skin texture,
7. smoothness and/or firmness;
8. providing anti-inflammatory benefits;
9. enhancing skin differentiation;
10. reducing sebum production;
11. the prevention or treatment of acne.

7. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 13 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

8. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention."

Applicant is not required to elect any species from above D in view of the election of Group I.

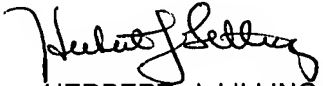
See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is 571-272-0918 and Fax Number is 571-273-8300, or SPE Jon Weber whose telephone number is 571-272-0925. Examiner can be reached Monday-Friday from about 7:30 A.M. to about 7:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.J.Lilling: HJL
(571) 272-0918
Art Unit 1657
July 31, 2007

SERIAL NUMBER 10/534,520


HERBERT J LILLING
Primary Examiner
Art Unit: 1657